

The 31st July, 1968

No. 6450-3Lab-68 19263.—In pursuance of the provisions of section 1 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Precision Metal Works, Railway Road, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 108 of 1967

between

SHRI SIRI RAM WORKMAN AND THE MANAGEMENT OF M/S PRECISION METAL WORKS,
RAILWAY ROAD, GURGAON

Present :

Shri C. B. Kaushik, for the workman.

Shri R. L. Kapoor, for the management.

AWARD

Shri Siri Ram was employed as a Turner in M/s Precision Metal Works, Railway Road, Gurgaon on 5th July, 1967. His services were terminated on 5th August, 1967 on the ground that his work was not satisfactory. He was not given any charge-sheet or a show cause notice. The workman is aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Gazette Notification No. 1D/GG/A, dated 7th December, 1967:—

Whether the termination of services of Shri Siri Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed a statement of claim and the management filed their written statement. The stand taken up by the management is that the claimant Shri Siri Ram was appointed on probation for six months and his work was not found satisfactory so he was discharged from service and the question of giving him any charge-sheet or show cause notice did not arise. The following issues were accordingly framed:—

1. Whether the claimant Shri Siri Ram was employed on a temporary basis and he was on probation when his services were dispensed with on 5th August, 1967?
2. Whether the termination of his services of the claimant is justified on the ground that his work was not found satisfactory?

Issue No. 1.—Shri R. L. Kapoor, Managing Director of the respondent concern has affirmed on oath that the claimant Shri Siri Ram was appointed on probation for six months on 5th July, 1967,—*vide* letter of appointment is Ex. M. 1. The claimant Shri Siri Ram in his evidence has not controverted this fact. I, therefore, find this issue in favour of the management.

Issue No. 2.—Shri R. L. Kapoor, Managing Director of the respondent concern has also stated in his evidence that the work of the claimant was not found satisfactory and so his services were terminated on 5th August, 1967 and one month salary was paid to him,—*vide* vouchers Ex. M. 2 and Ex. M. 3. He further stated that the claimant Shri Siri Ram received this amount in full and final settlement of all his dues including his leave allowance and gave a writing Ex. M. 4 that he had no further claim against the employer. Shri Kapoor was cross-examined at length but not a single question was put to him on this point and he was not even asked as to why the work of the claimant was not considered satisfactory. The claimant in his evidence has simply denied that the chit Ex. M. 4 by which he supposed to have received his dues in full and final settlement bears his signatures. He does not even say that his work was satisfactory. He only says that at the time his services were terminated he was told that he was a member of the union and was not given any show cause notice or even a warning during the period of his services. He says that no enquiry was held against him. After carefully considering the evidence of the parties, I am of the opinion that there would be no justification to hold that the services of the claimant were terminated simply because he was a member of the union and there is no reason to doubt the correctness of the version of the management that the reasons of the termination of the services of the claimant just after one month of joining his services was anything else than his work was not satisfactory.

However, the stand taken up by the learned representative of the claimant is that the termination of the services of the workman before the expiry of the full period of probation could not be legally justified even if his work was not found satisfactory. It is submitted that when a workman is appointed on probation for a certain period then he must be given a chance to show his work during the full period for which he is appointed on probation and if the management desires to terminate his services before the expiry of the period of probation then he must be given a charge-sheet and a proper enquiry held. There is no force in this submission because in the letter of appointment Ex. M. 1 it is specifically provided that

although the claimant was appointed on probation for a period of six months yet his services could be terminated "with immediate effect during the probation period". The management have terminated the services of the claimant strictly in accordance with the terms of his appointment. In case the claimant had been appointed on probation for a specific period without any other conditions attached to it then it might have been possible for the learned representative of the claimant to argue that the claimant must be given a chance to work for the full period for which he was appointed on probation in order to give him a chance to show his work and that his services could not be terminated before the expiry of the period of probation without giving him any charge sheet etc. Since the termination of the service of the claimant is in accordance with the terms of the appointment it cannot be said that the termination of his services is not justified or in order. I find this issue in favour of the management.

In view of my findings above, I hold that the termination of the services of Shri Siri Ram claimant was justified and in order and he is not entitled to any relief.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 15th July, 1968.

No. 1262, dated 15th July, 1968

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 15th July, 1968.

No. 6407-3Lab-68/19325.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Delton Cable Co., Faridabad.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 15 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S DELTON CABLE Co., FARIDABAD

Present :

Shri R. C. Sharma, for the management.

Shri Roshan Lal Sharma, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Delton Cable Company, Faridabad, over the matter mentioned below, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government Notification No. ID/FD/186D/4153, dated 16th February, 1968 :—

"Whether the workers are entitled for conveyance allowance? If so, with what details and from which date?"

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their detailed written statement to the same. The pleadings of the parties gave rise to the following four issues and the parties were called upon to produce their evidence in respect of the same :—

1. Were the two settlements mentioned in preliminary objection, in the written statement of the management affected between the parties? If so, what were their terms?
2. Was the General Labour Union authorised to raise the dispute?
3. Is the dispute an industrial dispute?
4. Whether the workers are entitled for conveyance allowance? If so, with what details and from which date?

On the date fixed for evidence the workmen did not produce any evidence and merely asked for an adjournment of the case to another date. No sufficient reason was made out for the said adjournment and the same was, therefore, refused. As the workmen have failed to lead any evidence, their demand has not been substantiated and is dismissed. It is in these circumstances unnecessary to record any findings on issues Nos. 1, 2 and 3.

No order as to costs.

Dated 10th July, 1968.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 859, dated, Chandigarh, the 11th July, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 6294-3Lab-68/19358.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Arora Wireless Electronic Industries, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 47 of 1968

between

MISS DAYA VATI, WORKMAN AND THE MANAGEMENT OF M/S ARORA WIRELESS
ELECTRONIC INDUSTRIES, GURGAON

Present :—

Shri C. B. Kaushik, for the claimant.

Shri Parma Nand, for the management.

AWARD

Miss Daya Vati claimed that she was in the service of M/s Arora Wireless Electronic Industries, Gurgaon, and that her services have been wrongly terminated. This gave rise to an Industrial Dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10, read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, —vide Gazette Notification No. ID/GG/36A-68/, dated 10th May, 1968:—

Whether the termination of service of Miss Daya Vati was justified and in order? If not, to what relief is she entitled?

On receipt of the reference usual notices were issued to the parties. Shri C. B. Kaushik, representative of the workmen, has stated that the management has agreed to pay Rs 100 to the claimant in full and final settlement of all her claim. He has further stated that the claimant has married and she is no longer interested in pursuing her claim for re-instatement, etc. Shri Parma Nand is present on behalf of the management. He has stated that the management has agreed to pay Rs 100 to the claimant as per statement of the representative of the workmen. The claim of the applicant for reinstatement and other claim be treated as withdrawn. I give my award accordingly.

Dated 8th July, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 1200, dated, Faridabad, the 10th July, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th July, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.